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June 22, 1993

92-100 /

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Ms. Donna Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: GEN Docket No. 90-314, Erratum

Dear Ms. Searcy:

The "Comments of McCaw Cellular Communications, Inc."  
filed yesterday, June 21, 1993, in the above-captioned docket  
inadvertently listed an incorrect docket number. The correct

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# Amendment of the Commission's Rules To Establish New Personal

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GEN Docket No. 90-314  
ET Docket No. 92-100

entity's funding program would be a precondition to obtaining FCC equipment authorization to market unlicensed PCS devices and systems.

UTAM's proposed rules governing the manufacture, sale and marketing of unlicensed PCS devices and systems contemplate that clearing of the entire unlicensed PCS band will ultimately be necessary. But, they would permit interim deployment of certain non-nomadic devices and systems -- for example, wireless PBXs and data LANs -- on a coordinated basis prior to that time.<sup>3</sup> Frequency coordination to be provided by the entity together with other technical and labeling requirements would ensure that non-nomadic devices would not interfere with licensed microwave operations.

Craig O. McCaw's testimony at the En Banc Hearing and McCaw's comments in this Docket<sup>4</sup> strongly endorsed allocation of spectrum to unlicensed PCS. In fact, McCaw identified 1910-1930 MHz as an ideal home for such devices and systems.<sup>5</sup> McCaw noted that these frequencies were less heavily utilized by microwave systems than other parts of the Emerging Technology spectrum.

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<sup>3</sup> UTAM Report at 17-22.

<sup>4</sup> See Comments of McCaw Cellular Communications, Inc. filed November 9, 1992.

<sup>5</sup> Id. at 12.

The creation of a centralized entity such as that proposed by UTAM appears necessary to deal with the unique problems associated with implementing the Commission's unlicensed device policies in this spectrum. Although the unlicensed PCS spectrum may be used by all manufacturers and users of unlicensed devices and systems, no party has a right to occupy exclusively -- or is responsible for clearing -- any particular frequency. Inasmuch as UTAM believes that the full development of unlicensed PCS may require complete clearing of the allocated spectrum, such a process may be expensive and time consuming, with many of the costs incurred at an early stage. UTAM's proposal for an entity and funding mechanism that enables the industry as a whole to equitably and efficiently manage the relocation process and costs represents a reasonable solution to these potential problems.

Importantly, UTAM does not argue for any changes in the rights of 2 GHz microwave licensees established by the Commission in the Emerging Technologies docket, particularly the entitlements to full cost compensation for relocation and the provision of comparable alternative facilities.<sup>6</sup> Rather, as described above, UTAM has proposed what appears to be a workable mechanism for effectuating those rights on a basis that is fair to all interested parties.

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<sup>6</sup> See Report and Order, ET Docket No. 92-9, 7 FCC Rcd 6886 (1992).

McCaw similarly supports UTAM's proposed equipment authorization rules for both nomadic and non-nomadic unlicensed PCS. Permitting the interim deployment of non-nomadic devices and systems -- subject to appropriate non-interference requirements -- before the band has been fully cleared will accelerate the introduction of that equipment in the public interest. These early installations will generate revenues to assist in funding the relocation efforts while at the same time providing valuable technical and marketing data as well as new service capabilities for users.<sup>7</sup>

In view of the foregoing, McCaw urges the Commission to adopt the proposals contained in the UTAM Report. They represent constructive and essential steps to making unlicensed PCS a reality. Without such initiatives and actions, the Commission cannot achieve the important public interest goal of extending new telecommunications

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<sup>7</sup> UTAM Report at 17-18.

capabilities to consumers while safeguarding the interests of incumbent microwave licensees.

Respectfully submitted,

MCCAWE CELLULAR  
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